

PROVINCE OF CANADA. }
MONTREAL. }

Commission of Enquiry on the Seignorial Tenure.

Of Series of Questions to be submitted to certain Censitaires in
the several Fiefs or Seigniories in the Province.

First—Are you the Owner or Proprietor of any Land, held *en roture*, in any Fief or Seigniory within this Province? if yea, please state in what Fief or Seigniory.

Second—How long have you been in possession of the said Land?

Third—Who was the Proprietor of the said Land before you? and how long did he possess the same, if you know it?

Fourth—Are you in possession of the original Deed of Concession of the said Land, or of a copy thereof? if yea, will you be pleased to furnish the Board with a certified copy of such deed of Concession.

Fifth—If you are not in possession of such Deed of Concession, or of a copy thereof, can you inform the Board who is?

Sixth—Are you in possession of any *Titre-Nouvel* made and executed by yourself or by any other person, holding the said Land, before you, for and touching the same? if yea, will you be pleased to furnish the Board with a copy of such *Titre-Nouvel*?

Seventh—If you are not in possession of such *Titre-Nouvel*, will you inform the Board who is?

Eighth—From the perusal of such Deed of Concession and *Titre-Nouvel*, have you noticed that there are any and what differences between the *quantum* of *Cens et Rentes Seigneuriales*, or other charges and burthens, stipulated in the said Concession, and those stipulated in the said *Titre-Nouvel*? if yea, please state fully for the information of the Board, in what particular they vary the one from the other.

Ninth—What is the extent of your Land in front and depth, and in what Range or Concession is it situate?

Tenth—Have not *Titres-Nouvels* lately, and when, been made and executed by the *Habitans* or *Censitaires* of the said Fief? if yea, can you inform the Board whether the whole or the major part of the said *Habitans* or *Censitaires* acceded thereto, and who was the Notary employed in that service?

Eleventh—Did you or did any other *Censitaire* to your knowledge, at the time of passing such *Titre-Nouvel*, complain of, or object to, any of the charges or burthens imposed upon the said Land, or to any of the reservations made by the Seignior, or to any of the obligations imposed upon you or such other *Censitaire* in relation to such Lands? if yea, will you state the nature of such complaints or objections?

Twelfth—If, at the time of the execution of such *Titres-Nouvels*, any complaints or objections were made, will you inform the Board whether such complaints were general on the part of the *Habitans* or *Censitaires*, or the major part of them, or only a few of them?

Thirteenth—How many Seigniorial Mills (*Moulins Bannaux*) are there in the said *Fief*?

Fourteenth—Are the said Mills used EXCLUSIVELY by the *Habiliens* or *Censitaires* of the said *Fief* for grinding the Grain which they are bound to cause to be ground at the said Bannal Mills?

Fifteenth—Were the said Mills originally built as Bannal Mills (*Moulins Bannaux*) for the sole use of the *Censitaires*? or were such Mills, or any of them, built and intended for grinding Grain generally, as matter of interest or speculation on the part of the Seignior? if yea, please state how many Mills, if there are more than one, in the said *Fief*, are exclusively used as Bannal Mills by the *Censitaires*, and how many as general Manufacturing Mills, and also how many are used for both purposes?

Sixteenth—Will you state, for the information of the Board, the true and exact value of every such Mill? distinguishing and keeping apart those Mills used exclusively by the *Censitaires* as Bannal Mills (*Moulins Bannaux*) from those used as Manufacturing Mills, and also from those used for both purposes.

Seventeenth—Have you ever bought, by private Sale, or at Sheriff's Sale, or by *Licitation*, any Land, or any Lot of Land or *Emplacement* in the said *Fief*, whereupon the Seignior has exercised his right of *Retrait Conventionnel*? if yea, will you inform the Board what was the real and true value of such Land or *Emplacement* including the value of the Buildings, if any thereon, and also state the value of the Land or *Emplacement* without such Buildings, and at what price you had purchased them?

Eighteenth—Is, or is not, the right of Redemption (*Retrait Conventionnel*) as exercised by Seigniors in this Province, considered one of a very onerous nature, to the *Censitaires*?

Nineteenth—Has any Seignior, to your knowledge, renounced his right of Redemption (*Retrait Conventionnel*), to and in favour of any purchaser or *adjudicataire* in consideration of a *bonus* promised or paid him by such purchaser? if yea, will you please state the case or cases, and what was the amount of money promised or paid such Seignior over and above the *Lods et Ventes* he was entitled to, and the amount of the purchase money in such cases, and the true value of the Property sold or adjudged?

Twentieth—Is the exercise of the right of Redemption (*Retrait*) of rare or frequent occurrence in the said *Fief*?

Twenty-first—Do you consider the right of *Lods et Ventes* due to Seigniors on every Sale, or act equivalent to a Sale, one of a very onerous and burthenous nature to the *Censitaires*? is it to your knowledge, generally complained of? and are the *Habiliens* or *Censitaires* desirous of relieving themselves from the payment of this right? and are you of opinion that it is their wish to communicate with their Seigniors in relation to that, and other Seigniorial charges and burthens?

Twenty-second—Among the many charges and reservations made in favour of the Seignior in the original Concession of your Land, or in the *Titre-Nouvel* which may have been executed for the same, is there a clause whereby the Seignior reserves for himself and his successors, all or any part of the *Pine* or *Oak Timber* growing on the said Land?

Twenty-third—Is, or is not such a reservation of a very onerous and burthenous nature? does it, or does it not impede the *Censitaire* in clearing his Land and making the usual and requisite improvements in the way of cultivation? and is, or is not this reservation and charge loudly and generally complained of?

Twenty-fourth—Have you or have any *Censitaires* holding Land *en roture*, in the said *Fief* or Seigniory ever applied to the Seignior to obtain from him a commutation of Tenure into the Tenure of *Franc Alieu Roturier* or into any other and what Tenure? If yea, please inform the Board how many applications were made and by whom, if you know, and state further, whether these applications were granted or not, and if not, state the reasons why; and if granted, state upon what terms and conditions.

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Twenty-fifth—If you or the *Censitaires* of the said *Fief* have not already applied to your Seignior for a commutation of Tenure, would you have any objection to commute the Seigniorial Tenure into that of *Franc Aleu Roturier* or into any other and what Tenure? if you have no objection, say so, and state what Tenure you would prefer, other than the Seigniorial Tenure; but if you object to a change of Tenure, please state to the Board your reasons of objection.

Twenty-sixth—Have you, or has any other *habitant*, to your knowledge, ever applied to your Seignior, or to the Seignior of any other *Fief*, to obtain from him Land in Free and Common Socage, or under any other and what Tenure? if yea, state the number of applications, for what extent of Land, whether wild or improved Land, and the Tenure asked for; on what conditions, and whether such applications were granted or refused, and if refused, why.

Twenty-seventh—Do you, or do you not consider the right of exacting *Lods et Ventes* on Sales, or Acts equivalent to Sales, of Lots or *Emplacements*, lying and situated in Cities, Towns and populous Villages, to be of a very onerous and burthensome nature and much more objectionable than in the Country generally? and does, or does not the value of the Buildings erected on such Lots or *Emplacements* generally amount to double that of the Lot or *Emplacement* when bare and without Buildings?

Twenty-eighth—Is, or is not the right of *Lods et Ventes* in such a case highly injurious to industry and commerce, and is it, or is it not very generally complained of as a hindrance to public improvement?

Twenty-ninth—Can you suggest to the Board, any plan or scheme of Commutation whereby the right of *Lods et Ventes* might be extinguished, as well as the right of Redemption, that of Bannality and the reservations made by Seigniors of the Pine and Oak Timber growing on lands held *en roture*? If yea, will you please state fully, for the information of the Board, what plan or scheme you would recommend to effect this desirable object.

Thirtieth—Has the Seignior of the *Fief* of which you are *Censitaire*, or have his *auteurs* or predecessors to your knowledge, ever conceded any Wild Lands (*Terres en bois debout*) to any person whatsoever, on the usual and ordinary terms of the oldest concessions in the said *Fief* or Seigniory, with a private understanding between the Seignior and the Grantee, that such Wild Lands (*Terres en bois debout*) should be afterwards sold in their wild state, and the price or consideration of such sale shared with the original Grantee? If yea, will you please state for the information of the Board, in how many instances this has occurred, the names of the Seignior and Grantee, in each case, and the consideration in money subsequently obtained by virtue of such sale or sales, and how and in what proportion shared.

Thirty-first—Have any actions ever been instituted by yourself or by any of your *auteurs* or predecessors or by others, to cancel and annul Contracts, such as those mentioned in the preceding Interrogatory, which has been entered into, either with the Agent of such Seignior, or the person interposed by such Seignior, and to recover the price or sum so paid? if yea, be pleased to state, for the information of the Board, the names of the parties to such Suit or Action, when brought, the nature of the Action, in what District and in what Court instituted, the date of the Judgment, if any rendered, and in whose favour.

Thirty-second—Have any and how many inhabitants, to your knowledge, ever applied to your Seignior or to any other Seignior, to obtain Grants or Concessions *en Roture* of Wild Lands (*Terres en Bois debout*), upon the terms and conditions usual and current previous and up to the year one thousand seven hundred and eleven? If yea, have such applications been granted? If nay, state the reasons why, if you know them.

Thirty-third—Can you from any original Grant or from any old Title in your possession, state with certainty, the *quantum* of *Cens et Rentes*, and other charges and burthens which were affixed to the Concessions of Wild Lands (*Terres en Bois debout*) at that early period of the settlement of the Country? If yea, please state such rates and charges fully, for the information of the Board.

Thirty-fourth—Has your Seignior or his *auteurs* or predecessors, ever sued you or your *auteurs* or predecessors, to your knowledge, for not settling upon (*tenir feu et lieu*) or clearing

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and cultivating within the time limited in the Deed of Concession of your Land, the Wild Land, (*Terres en Bois debout*), so conceded to you or to your *auteurs* and predecessors? If yea, will you please state the names of the parties, when the action was brought, the nature of such action, whether *en réunion au Domaine*, or otherwise, and the Judgment rendered, if any, in whose favor, when, and by what Court and in what District?

Thirty-fifth—Have you, or have your *auteurs* or predecessors, or any other inhabitant, to your knowledge, ever instituted any action or actions against any Seignior, on refusal by such Seignior to grant or concede them, *en Roture*, Wild Lands (*Terres en Bois debout*), to compel such Seignior to make such grant, and to execute the usual and ordinary Deed or Title? If yea, be pleased to state the names of the parties, the nature of the actions, when and where instituted, the Judgment rendered, and in whose favour.

Thirty-sixth—Do you know of any action having been instituted by any inhabitant against a Seignior, to compel such Seignior to concede any Wild Lands (*Terres en Bois debout*), upon the same terms and conditions as those imposed on the Wild Lands (*Terres en Bois de bout*), already conceded in his Seigniory (*aux mêmes droits imposés sur les autres Terres concédées dans la dite Seigneurie*)? If yea, state the names of the parties, the nature of the actions, when instituted, in what Court, the date and nature of the Judgment, and in whose favour.

Thirty-seventh—If you know not of any such actions, do you know any Seignior who has refused, on application made to him, to concede Wild Lands (*Terres en Bois debout*), in his Fief or Seigniory, on the terms and conditions stated in the preceding question? If yea, state the names of the applicants, and the names of the Seignior who so refused, and when such refusal occurred.

Thirty-eighth—Have the *Censitaires* of any Fief or Seigniory in the Province, to your knowledge, ever complained to the constituted Authorities in the Country of the Seigniorial Tenure generally, or of any of its burthens in particular, and of which? If yea, will you state what was the nature of such complaints, whether they were made at different periods, and generally throughout the Province, or only in certain sections, and if so, state in what sections?

Thirty-ninth—Would a change of Tenure, in your opinion, improve the condition, and promote the welfare of the people? If yea, what other Tenure would you recommend?

Fortieth—Have you ever maturely considered the subject? If yea, will you point out a scheme or plan, whereby the difficulties and inconveniences which have resulted, and may hereafter result from the Seigniorial Tenure may be removed, in a manner consistent with justice to all parties concerned?

Forty-first—Can you point out to this Board a plan whereby a general and uniform system of Commutation, on a fair and equitable basis, might be established? If yea, will you please state so, fully, in answer to this question.

Forty-second—Do you think it at all practicable to modify the Seigniorial Tenure, as at present existing, so as to relieve the *Censitaires* of the many heavy burthens whereof they complain, without abolishing it altogether, and without injustice to the Seignior? If yea, please state, fully and at large, for the information of this Board, what means, in your opinion, ought to be employed to effect so desirable an object?

Forty-third—Admitting that you should be of opinion that a Commutation of Tenure has become necessary, that it is the wish of the *Censitaires* generally, and that the Seigniors, or the major part of them, are ready and willing to Commute, would you consider the appointment of Arbitrators, indifferently chosen by the Seignior and *Censitaire*, with power to the said Arbitrators, to name an Umpire (*Tiers arbitre*) in case of a difference of opinion, a fit and proper mode of establishing the rights and interests of the respective parties? If nay, what other course would you suggest?

Forty-fourth—Have you ever seen the Bill intituled, “An Act to provide for the voluntary commutation of the Seigniorial Tenure in the Seigniories of Lower Canada?” If yea, would that

Bill, if passed into a Law, in your opinion, meet the wishes of the people? If nay, will you please state fully the objections entertained against the whole, or any part of the said Bill?—(In case you have not seen the said Bill, a copy is herewith handed you.)

Forty-fifth—Will you be pleased to favor the Board with a list of the several Seigniorial Rights, Charges, and Reservations, which your Seignior claims and demands of you as his *Censitaire* under and by virtue of the Grant and Title under which he holds his Seigniory or *Fief*, or of the Deed of Concession, under which you hold your lands in his *Fief* or Seigniory?

Forty-sixth—Will you be pleased to furnish the Board with your opinion as to the most equitable mode of establishing the value in money, of each of the said Seigniorial Rights, Charges and Reservations with a view to their redemption in money, should such a measure be recommended?

Forty-seventh—What scale or rate would you propose as the basis for the calculation of the value in money, of the several Seigniorial Rights to which you are subjected as one of the *Censitaires* of the said Seigniory or *Fief*?

Forty-eighth—Should there be any matter relating to the important subject of the foregoing Interrogatories, and omitted therein, which in your opinion would afford further information to the Board, will you be pleased to state the same, in as full and ample a manner, as if you had been particularly requested so to do?